

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RENE MONTENEGRO-VIRREY,

Defendant.

CR 24-29-BU-DLC

ORDER

Before the Court is United States Magistrate Judge Kathleen L. DeSoto's Findings & Recommendations Concerning Plea. (Doc. 30.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Rene Montenegro-Virrey is charged with one count of conspiracy to distribute and to possess with intent to distribute controlled substances, in violation of 21 U.S.C. § 846 and 18 U.S.C. § 2 (Count 1), and one count of possession with intent to distribute controlled substances, in violation of 21 U.S.C. § 841(a)(1) (Count 2), as set forth in the Indictment. (Doc. 8.) Judge DeSoto recommends that

this Court accept Montenegro-Virrey's guilty plea as to Count 2 after Montenegro-Virrey appeared before her pursuant to Federal Rule of Criminal Procedure 11. The Court finds no clear error in Judge DeSoto's Findings and Recommendations and adopts them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendations (Doc. 30) is ADOPTED in full.

IT IS FURTHER ORDERED that Montenegro-Virrey's Motion to Change Plea (Doc. 23) is GRANTED.

IT IS FURTHER ORDERED that Montenegro-Virrey is adjudged guilty as charged in Count 2 of the Indictment.

DATED this 17th day of December, 2024.



Dana L. Christensen, District Judge
United States District Court